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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JONATHAN EXAROS
110 Arbor Ridge Drive
Warrington, PA 18976

Plaintiff,

v.

NEEL BOSE
87 Hearthstone Drive
West Milford, NJ 07480

Defendant.

Case No. 2:17-cv-01085-AB

BREACH OF CONTRACT

MOTION TO COMPEL DEFENDANT'S DISCOVERY RESPONSES

Pursuant to Rules 37 and 69 of the Federal Rules of Civil Procedure, Rules 3117 and 4006 of the Pennsylvania Rules of Civil Procedure, and Rule 26.1(g) of the Local Rules of Civil Procedure of the United States District Court for the Eastern District of Pennsylvania, plaintiff, Jonathan Exaros, by and through his undersigned counsel, hereby requests that this Honorable Court compel Defendant to Answer Discovery in Aid of Execution. In support thereof, Plaintiff avers as follows:

1. On March 13, 2017, Plaintiff filed a Complaint against Defendant. Dkt. No. 1.
2. On January 18, 2018, this Court entered judgment in favor of Plaintiff and against defendant in the amount of \$89,990.46 pursuant to an Arbitration Award entered on December 7, 2017. Dkt. No. 20.

3. In March of 2018, Plaintiff's counsel contacted Bart Oates, Esq (an attorney that indicated that he represented Defendant, but did not enter his appearance in this litigation) to see if Defendant would satisfy the judgment prior to Plaintiff beginning involuntary collection efforts.

4. To date, Defendant nor Mr. Oates responded to Plaintiff's inquiry.

5. On April 25, 2018, Plaintiff served on Defendant his Discovery in Aid of Execution (the "Discovery Requests"). A true and correct copy of the Discovery Requests are attached hereto, marked as Exhibit A and made a part hereof.

6. To date, Defendant has not responded nor objected to the Discovery Requests.

7. The information sought by the Discovery Requests is relevant to Plaintiff's execution in aid of its judgment.

8. Plaintiff is prejudiced in its efforts to execute on its judgment and secure recovery of the amounts owed to Plaintiff as a result of the judgment entered by this Court.

9. Pursuant to Local Rule 26.1, the undersigned counsel certifies that after reasonable effort, the parties are unable to resolve this dispute.

WHEREFORE, Plaintiff, Jonathan Exaros, respectfully requests that this Honorable Court compel Defendant to serve full and complete verified answers to the Discovery Requests or suffer appropriate sanctions.

Dated: May 30, 2017

Respectfully submitted,

/s/ Mark S. Danek, Esq.

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